

NEW RULE I DEFINITIONS (1) "Certified PSAP" means a local government entity that hosts a public safety answering point that is certified by the department as provided in NEW RULE II.

(2) "Department" means the Montana department of administration provided for in Title 2, chapter 15, part 10, MCA.

(3) "PSAP" means a public safety answering point as defined in 10-4-101, MCA.

(4) "PSAP certification requirements" means the requirements of Title 10, chapter 4, MCA, and the administrative rules adopted thereunder.

(5) "Tribal government" means any one of the seven federally recognized tribal governments of Montana and the Little Shell band of Chippewa Indians.

NEW RULE II CERTIFICATION REQUIREMENTS (1) A local government entity must host a certified PSAP in order to receive payments as provided in [HB 61 § 7].

(2) To become a certified PSAP, a local government entity that operates a 9-1-1 system and hosts a PSAP must meet the PSAP certification requirements, apply for certification, and be approved by the department.

(3) A local government entity that hosts a PSAP is qualified to become a certified PSAP if the local government entity that hosts a PSAP satisfies the PSAP certification requirements and:

(a) is a local government entity, as provided in 7-11-1002, MCA, that is:

(i) an incorporated city;

(ii) an incorporated town;

(iii) a county;

(iv) a consolidated city-county government; or

(v) a combination of any of the above local government entities, acting jointly;

(b) operates a 9-1-1 system that meets the minimum requirements for a 9-1-1 system as provided in 10-4-103, MCA; and

(c) first receives all emergency wireline and wireless voice calls from persons requesting emergency services in the PSAP's service area.

NEW RULE III APPLICATION FOR CERTIFICATION (1) An applicant for certification must submit an application on a form prescribed by the department.

(2) The application must be complete and must include the following:

(a) a declaration, signed by an official who is authorized to act on behalf of the local government entity that has submitted an application for certification, that the applicant:

(i) is authorized to establish and operate a 9-1-1 system;

(ii) is eligible to become a certified PSAP pursuant to NEW RULE II;

(iii) first receives all emergency wireline and wireless voice calls from persons requesting emergency services in the PSAP's service area; and

(iv) will operate in accordance with the PSAP certification requirements; and

(b) a copy of any agreement required under (3) or (4).

(3) If more than one local government entity is participating in an application:

(a) the local government entities must have entered into a valid interlocal agreement pursuant to 7-11-104, MCA, that describes and defines the terms of the parties' participation in the 9-1-1 system; and

(b) the declaration required in (2)(a) must be signed by an official who is authorized to act on behalf of each local government entity that is participating in the application, and the declaration must include an acknowledgment that the participating local government entities have entered into a valid interlocal agreement pursuant to 7-11-104, MCA.

(4) If a tribal government is participating in a 9-1-1 system and PSAP with a local government entity that hosts a PSAP and the tribal government will receive distributions from payments made pursuant to [HB 61 § 7]:

(a) the local government entity that hosts a PSAP must have an agreement with the tribal government that describes and defines the terms of the parties' participation in the 9-1-1 system and PSAP; and

(b) the declaration required in (2)(a) must be signed by an official who is authorized to act on behalf of the tribal government.

(5) The applicant must be prepared to provide verification of statements made in its application and declaration upon request by the department.

(6) In order to receive payments as provided in [HB 61 § 7] in state fiscal year 2019, a local government entity that hosts a PSAP must apply for certification on or before May 1, 2018. In order to receive payments as provided in [HB 61 § 7] in subsequent fiscal years, a local government entity that hosts a PSAP must apply for certification biennially on or before April 1.

**NEW RULE IV CERTIFICATION PROCESS** (1) The department will review applications for certification to determine whether the applicant has met the PSAP certification requirements.

(2) If an applicant has satisfied the PSAP certification requirements, the department will issue a certified PSAP determination in writing, and the certified PSAP may begin receiving payments as provided in [HB 61 § 7].

(3) If an application for PSAP certification is not approved, the department shall send the applicant written notice of any application deficiencies and PSAP certification requirements that were not met. The applicant shall have 90 days from the date of the notice to correct deficiencies and demonstrate compliance. Except as provided in (4) or (5), if an applicant has not corrected deficiencies and demonstrated compliance with PSAP certification requirements within 90 days, the department will:

(a) deny the application or grant conditional PSAP certification; and

(b) provide the applicant notice and an opportunity for hearing.

(4) An applicant that has received notice as provided in (3) may request an additional 90 day period to correct deficiencies or demonstrate compliance with PSAP certification requirements.

(5) If an applicant wishes to immediately dispute a department determination that the application was deficient or did not demonstrate compliance with PSAP certification requirements, the applicant may ask the department to provide formal notice of denial and an opportunity for hearing.

(6) The department may appoint a hearing examiner to conduct hearings pursuant to 2-4-611, MCA.

(7) The final determination in a contested case regarding PSAP certification will be made by the department director.

**NEW RULE V DECERTIFICATION AND REDUCTION OF FUNDING** (1) The department may determine a certified PSAP is not in compliance with PSAP certification requirements if a certified PSAP:

(a) is not in compliance with any of the requirements of Title 10, chapter 4, MCA, or the administrative rules adopted thereunder;

(b) uses or distributes funds for any purpose other than those identified in New Rule VI;

(c) does not timely comply with department requirements; or

(d) has not timely provided information requested by the department.

(2) If the department determines a certified PSAP is not in compliance with a PSAP certification requirement, the department shall send the certified PSAP a deficiency letter identifying the PSAP certification requirement that is not met and the action needed to correct the deficiency. The certified PSAP shall have 30 days from the date of the deficiency letter to correct all deficiencies and demonstrate compliance.

(3) A certified PSAP that has received a deficiency letter as provided in (1) may request an additional 30 day period to correct deficiencies or demonstrate compliance with PSAP certification requirements.

(4) If a certified PSAP wishes to immediately dispute a department determination that the certified PSAP is not in compliance with PSAP certification requirements, the certified PSAP may ask the department to provide formal notice of denial and an opportunity for hearing.

(5) Except as provided in (3) and (4), if a certified PSAP has not corrected all deficiencies and demonstrated compliance with PSAP certification requirements within 30 days of the deficiency letter, the department will provide the applicant notice and an opportunity for hearing in accordance with Title 2, chapter 4, part 6, MCA.

(6) The department may appoint a hearing examiner to conduct hearings pursuant to 2-4-611, MCA.

(7) The final determination in a contested case regarding PSAP certification will be made by the department director.

(8) When the department makes a final determination that a certified PSAP is not in compliance with PSAP certification requirements, the department may:

(a) reduce or suspend payment to the local government entity or entities involved in the PSAP;

(b) require repayment of funds expended on activities determined not to meet eligibility requirements; and/or

(c) decertify the local government entity or entities involved in the PSAP.

NEW RULE VI ALLOCATION OF FUNDS (1) Funds in the account for fees collected for 9-1-1 services pursuant to 10-4-201, MCA, must be allocated as provided in [HB 61 § 7].

(2) With respect to funds deposited in the account for distribution to local government entities that host PSAPs pursuant to [HB 61 § 7], each certified PSAP must receive an allocation of the total quarterly balance of the account that is equal in proportion to the quarterly share received by the local government entity that hosted the PSAP during the state's 2017 fiscal year.

(3) The department maintains a list of the quarterly share received by local government entities that hosted PSAPs during the state's 2017 fiscal year. The list can be obtained from the department's public safety communications bureau at 1400 8th Avenue, Helena, MT 59620 or can be found on the department's website at [sitsd.mt.gov/PublicSafetyCommunications](https://sitsd.mt.gov/PublicSafetyCommunications).

NEW RULE VII ALLOWABLE USES OF FUNDS (1) Funds distributed to a certified PSAP from the 9-1-1 systems account established by [HB 61 § 7] may be used by the certified PSAP for:

- (a) personnel costs, including:
  - (i) salary or benefit costs directly associated with personnel operating a 9-1-1 center;
  - (ii) training and travel costs for personnel directly associated with operating a 9-1-1 center to attending public safety communications training and continuing educational courses, including training course registration and tuition fees, the cost of course materials, and travel costs associated with training, such as expenses for transportation, lodging, and meals;
  - (iii) pre-employment costs associated with the recruitment, hiring and screening of new hire candidates, including physicals and other required tests; and
  - (iv) 9-1-1 professional development costs, including dues and fees for 9-1-1 personnel to join or maintain membership in a 9-1-1 professional association and subscription fees for 9-1-1 related publications;
- (b) computer aided dispatch (CAD) costs, including:
  - (i) CAD equipment, technology, and upgrades, such as:
    - (A) hardware;
    - (B) software, including CAD modules, interfaces (e.g., paging, CAD-to-CAD, etc.), and cybersecurity;
    - (C) peripherals, including printers, monitors, keyboards, and mouse; and
    - (D) workstations to support processing of CAD event, including workstations that support 9-1-1 service delivery;
  - (ii) CAD maintenance, including costs for annual service contracts for CAD hardware/software maintenance;

(iii) CAD call taking protocol and quality assurance costs, including costs for emergency medical, fire, police dispatch (EMD/EFD/EPD) system, quality assurance (QA) software, or maintenance, as well as CAD system integration;

(iv) mobile data system costs, including equipment located at the PSAP to enable and connect mobile data systems; and

(v) records management system (RMS) costs, including required CAD interfaces or modules systems that interface with RMS records storage or usage, including, emergency operations center (EOC) software, web publishing, and field reporting systems for response agencies;

(c) call processing equipment (CPE) costs, including those for automatic number identification (ANI)/automatic location identification (ALI) controllers, automatic call distribution (ACD), and CPE workstations located at backup facilities, administrative workstations, and remote workstations. CPE costs may include:

(i) CPE equipment, technology, and upgrades, such as:

(A) hardware;

(B) software;

(C) peripherals, including printers, monitors, keyboards, mouse, operator headsets; and

(D) workstations to support 9-1-1 call processing;

(ii) costs for annual service contracts for CPE hardware and software maintenance;

(iii) call accounting and telephony management information system (MIS) software costs to implement MIS system that monitors call activity, logs call activity to a database, and permits canned report generation. Allowable uses include MIS server hardware, software, peripherals (including printer, monitor, keyboard, and mouse), and annual subscription costs for a third-party hosted solution;

(iv) **telecommunication** device for the deaf (TDD)/telephone typewriter (TTY) interpretation service costs, including hardware, software, monthly or annual services procured for users with disabilities; and

(v) master clock and time synchronization equipment, including costs for a "master time source" that generates and synchronizes accurate time for clock displays, computer systems, or other equipment;

(d) radio system and wireless commercial services costs, including:

(i) radio consoles and radio system software, including: radio consoles, system components, maintenance, two-way radio communication radios, pagers and annual service contract, operator headsets with integrated radio, and CPE phone equipment for systems located at the PSAP;

(ii) radio tower site maintenance for radio tower sites owned or leased by the PSAP and costs for annual maintenance contracts and emergency radio tower site service repairs;

(iii) microwave site costs, such as microwave links and repeater sites, including building, tower, and equipment at the site used by the PSAP; and

(iv) radio frequencies and paging system costs, including those associated with radio frequencies, licensing fees, dispatch paging, paging encoders and systems that are located at the PSAP;

(v) wireless commercial services fees, devices and applications that are directly used for 9-1-1 purposes;

(e) connectivity and infrastructure costs, including:

(i) wired or wireless connectivity costs to provide connectivity between the call origination services, PSAPs and other public safety entities, including costs associated with: wireline trunks and lines, wireless trunks, fiber optic circuits, microwave links, repeater sites administrative lines, tandem trunks, and ring-down circuits;

(ii) emergency services internet protocol network (ESInet) costs, including transport and connectivity costs to connect multiple PSAPs together in a regional, state-level, or state to state ESInet. These costs may include hardware, software, networking equipment, security appliances, software, and third-party services for hosted solutions;

(iii) maintenance costs for service contracts for connectivity hardware and software maintenance.

(f) voice and data recorder costs, including:

(i) digital voice and data recorder costs, such as server hardware, software, direct peripherals and workstations to support voice and data (logging) recorder system or annual subscription costs for a third-party hosted solution; and

(ii) maintenance costs for annual service contracts for voice and data (logging) recorder system;

(g) geographic information system (GIS) and master street addressing guide (MSAG) costs, including:

(i) GIS/MSAG server hardware;

(ii) software;

(iii) direct peripherals;

(iv) equipment such as global positioning system (GPS) receivers and mobile field data collection devices; and

(v) training costs for employees who support the direct development and maintenance of 9-1-1 related GIS data and data layers;

(h) facilities costs, including:

(i) general uninterruptable power supply (UPS) costs, such as backup power supply, transfer and bypass switches, and power conditioning in the event of a commercial power failure or fluctuation located at the primary or backup PSAP;

(ii) workstation UPS costs, including individual UPS devices used to support workstations not otherwise covered by a facility-based UPS system;

(iii) emergency power generator and fuel costs for emergency power generation located at the PSAP;

(iv) heating, ventilation, and cooling (HVAC) costs, including environmental control of temperature and humidity within the PSAP and PSAP equipment room;

(v) access control and security system costs, including costs to acquire or maintain access control and other security systems for PSAPs and radio tower sites owned or leased by the PSAP. Access control and security system costs include costs for keys, locks, access cards, card readers, cameras, video monitors/recording equipment, and controller systems;

(vi) PSAP new building, remodeling, and relocation costs, including:

(A) costs associated with PSAP construction or relocation, whether to provide additional work stations or to ensure that the PSAP is in a secure area; and

(B) transportation and costs associated with moving 9-1-1 operations to another facility during a planned transition or emergency;

(vii) the cost of developing or operating an alternate or backup PSAP, including: transport costs, computer hardware and software, furniture, and necessary materials for successful operation of site;

(viii) utilities, insurance, and rent costs, including:

(A) utility costs associated with power, water, sewer, and sanitation services;

(B) property, casualty, and liability insurance costs; and

(C) rent or lease payments made for use of a facility, equipment or service in support of 9-1-1 service delivery including PSAP owned remote radio sites; and

(ix) service contract and maintenance costs for UPS, generator, or HVAC;

(i) contracted services costs, including call taking and dispatch contract fees, such as fees paid to another PSAP for handling of 9-1-1 calls;

(j) mass notification system costs, including public alerting and warning system costs. These costs may include hardware, software, direct peripherals and workstations to support a mass notification public alerting and warning system or annual subscription costs for a third-party hosted solution;

(k) office operations costs, including:

(i) workstation furniture, such as chairs, printer stands, etc., at the positions where the call-taking and dispatch functions occur;

(ii) office equipment costs for copiers, paper shredders, fax machines, laminators, and other office equipment located at the PSAP;

(iii) office supplies used for 9-1-1 operations;

(iv) costs associated with Criminal Justice Information Network (CJIN) services including equipment, usage fees and licensing; and

(v) cost of Internet access for use in 9-1-1 operations; and

(l) **public education costs**, including materials that educate the community on 9-1-1 issues, such as the appropriate use of 9-1-1. Allowable costs may include printing costs and postage for educational mailings and materials.

(2) If an item, service or personnel listed in (1) is or will also be used or employed for a purpose other than the 9-1-1 system, the department will allocate funds based on the cost attributable only to the 9-1-1 system. A certified PSAP must:

(a) advise the department that the item, service, or personnel is or will also be used or employed for a purpose other than the 9-1-1 system;

(b) calculate the cost of the item, service, or personnel that is attributable to the 9-1-1 system and provide the calculation and figure to the department; and

(c) provide information verifying the use and calculation upon request by the department.

(3) The department may approve additional uses of funds on a case by case basis upon request by a certified PSAP, provided that the use would clearly support operation, maintenance, or enhancement of the 9-1-1 system.

(4) A certified PSAP may further distribute funds to a local government entity or tribal government participating with the certified PSAP in the 9-1-1 system for any of the uses described in (1).

**NEW RULE VIII REPORTING, MONITORING, AND RECORDKEEPING** (1) A certified PSAP must submit a report annually, on or before April 1, documenting the status of payments received by the certified PSAP from the 9-1-1 systems account as provided in [H.B. 61, § 7] in a form prescribed by the department. The annual report must document all transactions, including distributions, expenditures, and the amount of any funds held in reserve which are directly attributable to payments received from the 9-1-1 systems account during the preceding years.

(2) The department shall monitor transactions to ensure payments received from the 9-1-1 systems account are used as provided in NEW RULE VII. The department may determine a certified PSAP is not in compliance with PSAP certification requirements if funds are not used as provided in NEW RULE VII.

(3) The department may audit transactions involving payments received from the 9-1-1 systems account and may request information and records necessary to determine whether a certified PSAP is in compliance with PSAP certification requirements.

(4) A certified PSAP must keep and maintain records regarding all transactions involving payments received from the 9-1-1 systems account, including, at minimum, the following:

- (a) annual revenue and expenditure report(s);
- (b) general ledger report(s) (i.e. detailed ledger queries); and
- (c) supporting documentation (i.e. invoices) for each expenditure that verifies that an expenditure is allowable.

(5) A certified PSAP must maintain the records described in (4) for a period of five years following the date of distribution or expenditure. The department may determine a certified PSAP is not in compliance with PSAP certification requirements if records are not kept and maintained as provided in this rule.